



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,075	07/11/2003	Frank Schmauder	TAIG-1010	6977
26614	7590	11/08/2005	EXAMINER	
PEPE & HAZARD, LLP 225 ASYLUM ST. HARTFORD, CT 06103			LE, HUNG CHARLIE	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,075	SCHMAUDER ET AL.	
	Examiner Hung C. Le	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1 - 10 is/are allowed.
 6) Claim(s) _____ is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Abstract

The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 1, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the transverse workpiece direction".in Page 10, Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the form" in Page 11, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the bending dies" in Page 12, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the longitudinal direction" in Page 12, Line 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 7, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 7 recites the limitation "the transverse workpiece direction" in Page 13, Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the bending dies" in Page 14, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the longitudinal direction" in Page 14, Line 9. There is insufficient antecedent basis for this limitation in the claim.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Prior art failed to disclose or imply:

"A bending assembly in a bending machine (1) for bending rod and/or bar-shaped workpiece (8) comprising (a) a bending tool (10) and (b) a bending drive unit (11) including (c) a swivel arm (21) and (ii) [should be (d)] a bending-drive motor (22), said bending tool (10) including (i) at least one workpiece thrust block (12, 13) and (ii) at least one thrust pad (17, 18) on the swivel arm (21), said bending-drive motor (22) being operable to rotate the swivel arm (21) with the thrust pad (17, 18) around a bending axis (14) extending in the transverse workpiece direction, whereby the workpiece, forced by the trust pad (17, 18) against the associated workpiece thrust block (12, 13), can be bent by rotating the swivel arm (21) with the thrust pad (17, 18) around the workpiece thrust block (12, 13), said bending-drive motor (22) having a motor shaft (27) which extends parallel to the bending axis (14) and is drive-connected at both shaft ends (28, 29) to the swivel arm (21)."

The closest piece of art (Blurton-Jones, 5,992,210) discloses: A bending apparatus which contains some of the claimed elements except for the bending drive unit and its associated mechanism.

However, prior art of record failed to disclose the claimed subject matter as set forth above.

Therefore, the bending assembly for bending machine per claims 1 – 10 herein being allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly label "Comments on Statement of Reasons for Allowance."

Ex parte Quayle

This application is in condition for allowance except for the following formal matters:

Regarding claim 1, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the transverse workpiece direction" in Page 10, Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the form" in Page 11, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the bending dies" in Page 12, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the longitudinal direction" in Page 12, Line 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 7, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 7 recites the limitation "the transverse workpiece direction" in Page 13, Line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the bending dies" in Page 14, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the longitudinal direction" in Page 14, Line 9. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C. D. 11,453 O. G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

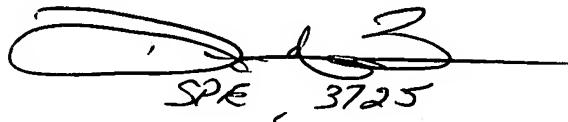
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung C. Le whose telephone number is 571-272-8757. The examiner can normally be reached on M-F: 08:00am - 05:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL
11/07/05

A handwritten signature consisting of a stylized line and the initials "SPE" followed by a comma and the number "3725".